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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,725	11/09/1999	WILLIAM G. HARLESS	02389.0006-0	7061

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EXAMINER

MAKHDOOM, SAMARINA

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/436,725

Applicant(s)

HARLESS ET AL. 2

Examiner

Samarina Makhdoom

Art Unit

2123

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. **Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulouris et al. Distributed Systems Concept and Design Second Edition, 1994 in view of Cook et al. U.S. Patent No. 5,727,950.**

As per Claims 1 and 3, Coulouris et al. disclose a system for providing an interactive simulated dialogue over a network, comprising:

a client node connected to the network comprising a browser for selecting a simulated dialogue program (See Page 12, Figure 1.6 for a Client Node that can run a variety of different software or programs),

a network connection for receiving over the network a vocabulary set corresponding to the selected simulation program (See Page 12, Figure 1.6 for a network connections that run a variety of different hardware and software),

a client agent transmitting over the network signals corresponding to a user voice input (See Page 35 Section Titled: Client-Server Communication which transmits based on user input a request from a client to the server),

a client buffer agent receiving over the network signals representative of a meaningful response to the user voice input (See Page 35 Section Titled: Client-Server Communication which receives the reply to the client),

and an output component for outputting an audiovisual representation of a human being speaking the meaningful response (See Page 9, Figure 1.4 for the Pandora System and computer workstations with monitors, speakers, and microphones coupled with a network);

and a server coupled to the network comprising a database containing vocabulary sets, wherein each vocabulary set corresponds to a simulated dialogue program (See Page 35 Section Titled: Client-Server Communication where a server is coupled to the network and can store a variety of software programs such as simulated dialogue programs and databases),

a server launch agent receiving over the network the selected simulated dialogue program and transmitting over the network the vocabulary set corresponding to the selected simulated dialogue program (See Page 35 Section Titled: Client-Server Communication where a server is receives transmissions from the client and replies to the client node),

a server agent for receiving signals over the network corresponding to the user voice input and for determining a meaningful response to the user voice input (See Page

35 Section Titled: Client-Server Communication where a server is receives transmissions from the client and replies to the client node),

and a server buffer agent for transmitting over the network signals representative of the meaningful response (See Page 8, Section on Multimedia Information Access and Conferencing applications for a buffer agent for network signals).

Coulouris et al. Teach sharing hardware, database, and software resources over a network but do not explicitly mention simulated dialogue programs and vocabulary databases.

Cook et al. Teach that interactive simulation and dialogue programs are distributed applications that can be run over a network (See Col. 3, lines 37-56 for the object of the invention to be implemented on a variety of networks so geographically dispersed users can access the programs form home. Also the types of network protocols to be used). Cook et al. Also teach interactive dialogues of an on-screen agent that can be a single character or a cast of interacting characters (See Col. 6, lines 6-356 for the on-screen agent dramatized as a character with voices, gestures, and motions derived from behaviors chosen by the user. The invention contains tables or databases of a rich variety of alternative sound and visual display objects. The animation clips are stored in libraries).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the network benefits of Coulouris et al. and the interactive dialogue program of Cook et al. because it would allow for the sharing of resources making the system more efficient, easier to access and reducing the overall costs for individual computer resources. Furthermore, Cook et al. teaches using the programs on a

network and Coulouris et al. teach how to use the programs on a network making Cook et al. system more efficient and productive.

As per Claim 2, Coulouris et al. teach the server enables a plurality of client nodes for a single simulated dialogue program (See Page 12, Figure 1.6 for multiple client nodes connected to a single server running software or a program).

As per Claims 4, 7, and 11, Coulouris et al. teach client node for connecting to a computer network including a server to provide an interactive simulated dialogue, comprising:

- a client launch agent for determining a system capacity of the client node and for installing a simulated dialogue program based on the determination of the system capacity (See Pages 8-9 Multimedia Information Access and Conferencing applications for determining if the system can transmit and meet the delay requirements of audiovisual programs);

- an input device allowing user voice input (See Pages 8-9 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the use of a microphone as input to a computer workstation);

- a client agent recognition engine for determining the meaning of the user vocal input (See Pages 8-9 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the use of a microphone as input to a computer workstation. The workstation must have some recognition software or the microphone will not work);

- a network connection receiving a simulated dialogue program from the server and transmitting over the network signals corresponding to the user voice input (See Pages 8-

9 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the network connection sending the user input to a file server);

a client buffer agent receiving over the network signals representative of a meaningful response to the user voice input (See Page 35 Section Titled: Client-Server Communication where a server is receives transmissions from the client and replies to the client node);

and an output component for outputting an audiovisual representation of a human being speaking the meaningful response (See Pages 8-9 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the workstation connected to the network. The workstation has a monitor and speakers).

As per Claim 5, Coulouris et al. teach the client launch agent determines compatibility of a speech application engine with the simulated dialogue program (See Pages 8-9 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the workstation connected to the network. The workstation can run any software such as simulated dialogue programs and speech application engines).

As per Claim 6, Coulouris et al. teach the client launch agent receives a compatible speech application engine from the server based on a compatibility determination, and installs the compatible speech application engine at the client node (See Pages 11-13, definition of Resource Manager that determines which resources should be installed on the client and the server).

As per Claim 8, Coulouris et al. disclose a server coupled to a computer network including a client node for providing an interactive simulated dialogue, comprising:

a connection receiving over the network signals representative of a user voice input and transmitting over the network signals representative of a meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a server connected to a network and transmitting meaningful response);

a server agent for determining the meaningful response to the user voice input and for selecting a plurality of subsequent responses related to the meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a server connected to a network and transmitting meaningful response);

and a buffer agent initiating a transfer of video signals corresponding to the subsequent responses to the client node (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a video file server that initiate the transfer of video signals).

As per Claim 9, Coulouris et al. disclose the buffer agent determines network capacity for transfer of video signals corresponding to the subsequent responses, and transfers portions of video signals of each of the plurality of subsequent responses on a rotation basis based on a determination of the network capacity (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a video file server that initiate the transfer of video signals based on the communication bandwidth or capacity of the system).

As per Claims 10, 12-13, and 18, Coulouris et al. disclose server coupled to a computer network including a client node for providing an interactive simulated dialogue, comprising:

means for receiving over the network signals representative of a user voice input;
means for determining a meaningful response to the user voice input (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a microphone connected to a workstation that is connected to a network);

means for transmitting over the network signals representative of the meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a the workstation is connected to the network therefore it must be able to transmit and receive response signals from the network);

means for selecting a plurality of subsequent responses related to the transmitted meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for the workstation and server can run a variety of software package including programs that selected subsequent responses related to the transmitted response);

and means for initiating a transfer of video signals corresponding to the subsequent responses to the client node in the background (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a video file server that initiate the transfer of video signals);

and outputting at the client node an audiovisual representation of a human being speaking the meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a workstation with a monitor and speakers).

As per Claim 14, Coulouris et al. teach the step of enabling participation from a plurality of client nodes for a single simulated dialogue program (See Pages 11-13,

definition of Resource Manager that determines which resources should be installed on the plurality of client nodes for a single server).

As per Claim 15, Coulouris et al. teach a method of providing an interactive simulated dialogue over a computer network, including a client node and a server, the method performed by the client node comprising:

determining a system capacity of the client node (See Pages 11-13, definition of Resource Manager that determines which resources should be installed on the client and the server based on the capacity of the client node and the server);

receiving a simulated dialogue program from the server (See Pages 11-13, Figure 1.6 for processes or agents that communicate the software programs between the client and server);

installing the simulated dialogue program based on the determination of the system capacity (See Pages 11-13, definition of Resource Manager that determines which resources should be installed on the client and the server based on the capacity of the client node and the server);

receiving user voice input; transmitting to the server signals corresponding to the user voice input (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a workstation with a microphone connected to the network. The workstation must be able to transmit and receive data and signals from the network in order to function on the network);

receiving from the server signals representative of a meaningful response to the user voice input (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a workstation with a microphone connected to the

network. The workstation must be able to transmit and receive data and signals from the network and the other client nodes and servers in order to function on the network);

and outputting an audiovisual representation of a human being speaking the meaningful response (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for a workstation with a monitor and speakers).

As per Claim 16, Coulouris et al. teach the step of determining compatibility of a speech application engine with the simulated dialogue program (See Pages 11-13 for the Resource Manager that determines the class and consistency of the software resources (such as application engines and programs) on the network).

As per Claim 17, Coulouris et al. teach a the steps of receiving a compatible speech application engine from the server based on a compatibility determination, and installing the compatible speech application engine at the client node (See Pages 11-13 for the Resource Manager that determines the class and consistency of the software resources (such as application engines and programs) on the network components such as the client nodes and the server).

As per Claim 19, Coulouris et al. teach a the initiating step comprises:

determining network capacity for transfer of video signals corresponding to the subsequent responses (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for determining the communication bandwidth or capacity of the network for video signals);

and transferring portions of video signals of each of the plurality of subsequent responses on a rotation basis based on a determination of the network capacity (See Pages 8-10 Multimedia Information Access and Conferencing Applications and Figure 1.4 for

determining the communication bandwidth or capacity of the network for video signals and transferring the signals to maintain the quality of service).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eisendrath et al., U.S. Patent No. 6,347,333 disclose a virtual campus including interactive work plans.

Fong et al., U.S. Patent No. 6,208,373 disclose a system for avoiding lost look in video conferencing using multiple cameras.

Miller et al., U.S. Patent No. 5,999,641 disclose a method and apparatus for displaying photo-realistic 3-D projected views of real objects.

Stevens et al., U.S. Patent No. 5,870,755, teach a method of creating a database for facilitating a synthetic interview.

Surace et al., U.S. Patent No. 6,334,103 teach a voice user interface with personality.

Willis et al. U.S. Patent NO. 6,385,647 teach data files, video and audio data, and other multimedia information is multicast through a hybrid network of satellites and internet.

Feinberg et al., U.S. Patent No. 6,065,046 teach a computerized system and method for optimally controlling storage and transfer of computer programs on a network.

<http://www.compnetworks.com/benefits.htm>, 1998 teach the benefits of a computer network over a stand-alone system.

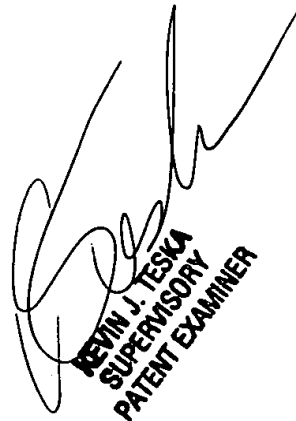
Frantzen, V.; Huber, M.N.; Maegerl, G, "Evolutionary steps from ISDN signaling towards B-ISDN signaling," Global Telecommunications Conference, 1992. Conference Record., GLOBECOM '92. Communication for Global Users., IEEE , 1992
Pages: 1161 -1165 vol.2.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samarina Makhdoom whose telephone number is 703-305-7209. The examiner can normally be reached on Full Time, Tuesday, Thursday, Friday, and Sunday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin J. Teska can be reached on 703-305-9704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

SM
December 8, 2002



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER